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Attorneys for Defendant, U.S. BANK, N.A. AS TRUSTEE FOR THE REGISTERED  
 HOLDERS OF STRUCTURED ASSET SECURITIES CORPORATION MORTGAGE PASS-  
 THROUGH CERTIFICATES, SERIES 2007-TC1 (erroneously sued as Ocwen Financial  
 Corporation)

**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NAGESH SHETTY, as an individual and as  
 trustee of the Shetty Family Trust; ANITA  
 SHETTY, as an individual and as trustee of the  
 Shetty Family Trust; RICHARD D'SOUZA,  
 a.k.a. RICHARD D'SOUSA or RICHARD DE  
 SOUZA; MARIE SHETTY, as successor to  
 the estate of SUBBAYYA SHETTY;  
 MAHABALA SHETTY; OCWEN  
 FINANCIAL CORPORATION; DAVID M.  
 DUDLEY; MESA VERDE DRIVE PLAZA, a  
 California General Partnership; STATE OF  
 CALIFORNIA, through its agency THE  
 FRANCHISE TAX BOARD; ORANGE  
 COUNTY TREASURER-TAX  
 COLLECTOR; UNITED MERCHANTS  
 ASSOCIATION, a California Corporation;  
 MIDFIRST BANK; NCO PORTFOLIO  
 MANAGEMENT; CITIMORTGAGE, INC.;  
 and CAPITAL ONE,

Defendants.

CASE NO.: SACV12-930 DOC(MLGx)

**U.S. BANK, N.A. AS TRUSTEE FOR THE  
 REGISTERED HOLDERS OF  
 STRUCTURED ASSET SECURITIES  
 CORPORATION MORTGAGE PASS-  
 THROUGH CERTIFICATES, SERIES  
 2007-TC1 (erroneously sued as Ocwen  
 Financial Corporation) ANSWER TO  
 COMPLAINT (1) TO REDUCE JOINT  
 FEDERAL TAX ASSESSMENTS TO  
 JUDGMENT; (2) FOR A  
 DETERMINATION THAT REAL  
 PROPERTY IS TITLED TO RICHARD  
 D'SOUZA AS NOMINEE OR IN  
 RESULTING TRUST FOR THE BENEFIT  
 OF NAGESH SHETTY AND ANITA  
 SHETTY; (3) TO SET ASIDE  
 FRAUDULENT TRANSFER OF REAL  
 PROPERTY FROM NAGESH SHETTY  
 AND ANITA SHETTY TO RICHARD  
 D'SOUZA; and (4) TO FORECLOSE  
 FEDERAL TAX LIENS ON REAL  
 PROPERTIES**

Action Filed: June 11, 2012

1                   **TO THE COURT, ALL PARTIES AND COUNSEL OF RECORD:**

2                   COMES NOW, U.S. Bank, N.A. as Trustee for the Registered Holders of Structured  
3 Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-TC1 (erroneously  
4 sued as Ocwen Financial Corporation) ("Defendant"), by and through its attorney, Sara Firoozeh  
5 of Houser & Allison, APC and for its Answer to the Complaint by the United States of America,  
6 states and alleges as follows:

7                   **I. JURISDICTION AND VENUE**

- 8                   1. Defendant admits the allegations contained in Paragraph 1 of Plaintiff's Complaint  
9                   2. Defendant admits the allegations contained in Paragraph 2 of Plaintiff's Complaint.  
10                  3. Defendant admits the allegations contained in Paragraph 3 of Plaintiff's Complaint.

11                  **II. THE SUBJECT REAL PROPERTIES**

- 12                  4. Defendant admits the allegations contained in Paragraph 4 of Plaintiff's Complaint.  
13                  5. Defendant admits the allegations contained in Paragraph 5 of Plaintiff's Complaint.  
14                  6. Defendant admits the allegations contained in Paragraph 6 of Plaintiff's Complaint.

15                  **III. THE PARTIES**

- 16                  7. Defendant admits the allegations contained in Paragraph 7 of Plaintiff's Complaint.  
17                  8. Defendant is without knowledge or information sufficient to form a belief as to the  
18 truth of the allegations contained in Paragraph 8 of Plaintiff's Complaint.  
19                  9. Defendant is without knowledge or information sufficient to form a belief as to the  
20 truth of the allegations contained in Paragraph 9 of Plaintiff's Complaint.  
21                  10. Defendant admits the allegations contained in Paragraph 10 of Plaintiff's Complaint.  
22                  11. Defendant admits the allegations contained in Paragraph 11 of Plaintiff's Complaint.  
23                  12. Defendant admits the allegations contained in Paragraph 12 of Plaintiff's Complaint.  
24                  13. Defendant is without knowledge or information sufficient to form a belief as to the  
25 truth of the allegations contained in Paragraph 13 of Plaintiff's Complaint.  
26                  14. Defendant admits the allegations contained in Paragraph 14 of Plaintiff's Complaint

1 15. Defendant admits the allegations contained in Paragraph 15 of Plaintiff's Complaint.

2 16. Defendant is without knowledge or information sufficient to form a belief as to the  
3 truth of the allegations contained in Paragraph 16 of Plaintiff's Complaint.

4 17. Defendant is without knowledge or information sufficient to form a belief as to the  
5 truth of the allegations contained in Paragraph 17 of Plaintiff's Complaint.

6 18. Defendant admits the allegations contained in Paragraph 18 of Plaintiff's Complaint.

7 19. Defendant admits the allegations contained in Paragraph 19 of Plaintiff's Complaint.

8 20. Defendant admits the allegations contained in Paragraph 20 of Plaintiff's Complaint.

9 21. Defendant admits the allegations contained in Paragraph 21 of Plaintiff's Complaint.

10 22. Defendant admits the allegations contained in Paragraph 22 of Plaintiff's Complaint.

11 23. Defendant admits the allegations contained in Paragraph 23 of Plaintiff's Complaint.

12 24. Defendant admits the allegations contained in Paragraph 24 of Plaintiff's Complaint.

13 25. Defendant admits the allegations contained in Paragraph 25 of Plaintiff's Complaint.

14 26. Defendant admits the allegations contained in Paragraph 26 of Plaintiff's Complaint.

15 27. Defendant admits the allegations contained in Paragraph 27 of Plaintiff's Complaint.

16 28. Defendant is without knowledge or information sufficient to form a belief as to the  
17 truth of the allegations contained in Paragraph 28 of Plaintiff's Complaint.

18 29. Defendant admits the allegations contained in Paragraph 29 of Plaintiff's Complaint.

19 30. Defendant is without knowledge or information sufficient to form a belief as to the  
20 truth of the allegations contained in Paragraph 30 of Plaintiff's Complaint.

21 31. Defendant is without knowledge or information sufficient to form a belief as to the  
22 truth of the allegations contained in Paragraph 31 of Plaintiff's Complaint.

23 32. Defendant is without knowledge or information sufficient to form a belief as to the  
24 truth of the allegations contained in Paragraph 32 of Plaintiff's Complaint.

25 33. Defendant is without knowledge or information sufficient to form a belief as to the  
26 truth of the allegations contained in Paragraph 33 of Plaintiff's Complaint.

1           34. Defendant is without knowledge or information sufficient to form a belief as to the  
2 truth of the allegations contained in Paragraph 34 of Plaintiff's Complaint.

3           35. Defendant admits the allegations contained in Paragraph 35 of Plaintiff's Complaint.

4           36. Defendant is without knowledge or information sufficient to form a belief as to the  
5 truth of the allegations contained in Paragraph 36 of Plaintiff's Complaint.

6           37. Defendant is without knowledge or information sufficient to form a belief as to the  
7 truth of the allegations contained in Paragraph 37 of Plaintiff's Complaint.

8           38. Defendant admits the allegations contained in Paragraph 38 of Plaintiff's Complaint.

9           39. Defendant admits the allegations contained in Paragraph 39 of Plaintiff's Complaint.

10          40. Defendant admits the allegations contained in Paragraph 40 of Plaintiff's Complaint.

11          41. Defendant admits the allegations contained in Paragraph 41 of Plaintiff's Complaint.

12          42. Defendant admits the allegations contained in Paragraph 42 of Plaintiff's Complaint.

13          43. Defendant admits the allegations contained in Paragraph 43 of Plaintiff's Complaint.

14          44. Defendant admits the allegations contained in Paragraph 44 of Plaintiff's Complaint.

15          45. Defendant admits the allegations contained in Paragraph 45 of Plaintiff's Complaint.

16          46. Defendant admits the allegations contained in Paragraph 46 of Plaintiff's Complaint.

17          47. Defendant admits the allegations contained in Paragraph 47 of Plaintiff's Complaint.

18          48. Defendant admits the allegations contained in Paragraph 48 of Plaintiff's Complaint.

19 **IV. FIRST CAUSE OF ACTION – TO REDUCE JOINT FEDERAL TAX**  
20 **ASSESSMENTS TO JUDGMENT (AGAINST DEFENDANTS NAGESH SHETTY AND**  
21 **ANITA SHETTY)**

22           49. Defendant incorporates by reference each and every response to the Complaint set  
23 forth in paragraphs 1 through 48 above as if fully set forth herein.

24           50-71. Defendant is without knowledge or information sufficient to form a belief as to the  
25 truth of the allegations contained in Paragraphs 50-71 of Plaintiff's Complaint.

**V. SECOND CAUSE OF ACTION – FOR A DETERMINATION THAT REAL PROPERTY IS TITLED TO RICHARD D’SOUZA AS NOMINEE OR IN RESULTING TRUST FOR NAGESH SHETTY AND ANITA SHETTY (AGAINST DEFENDANTS NAGESH SHETTY, ANITA SHETTY, AND RICHARD D’SOUZA)**

72-106. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 72-106 of Plaintiff’s Complaint.

**VI. THIRD CAUSE OF ACTION – TO SET ASIDE FRAUDULENT TRANSFER OF REAL PROPERTY FROM NAGESH SHETTY AND ANITA SHETTY TO RICHARD D’SOUZA UNDER THE CALIFORNIA UNIFORM FRAUDULENT TRANSFER ACT (AGAINST DEFENDANTS NAGESH SHETTY, ANITA SHETTY, AND RICHARD D’SOUZA)**

107. Defendant incorporates by reference each and every response to the Complaint set forth in paragraphs 1 through 106 above as if fully set forth herein.

108. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 108 of Plaintiff’s Complaint.

109. Defendant incorporates by reference each and every response to the Complaint set forth in paragraphs 1 through 108 above as if fully set forth herein.

110-116. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 110-116 of Plaintiff’s Complaint.

**VII. FOURTH CAUSE OF ACTION – TO FORECLOSE FEDERAL TAX LIENS AGAINST REAL PROPERTY (AGAINST ALL DEFENDANTS)**

117. Defendant incorporates by reference each and every response to the Complaint set forth in paragraphs 1 through 116 above as if fully set forth herein.

118. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 118 of Plaintiff’s Complaint.

119. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 119 of Plaintiff’s Complaint.

120. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 120 of Plaintiff’s Complaint.



1  
2  
3 **FOURTH AFFIRMATIVE DEFENSE**

4 **(Unjust Enrichment)**

5 Defendant alleges that Plaintiff would be unjustly enriched if allowed to recover funds  
6 prior to paying off Defendant's superior position lien.

7 **FIFTH AFFIRMATIVE DEFENSE**

8 **(Unstated Affirmative Defenses)**

9 Defendant states that at this time they have insufficient knowledge or information on  
10 which to form a belief as to whether they may have additional, as yet unstated, affirmative  
11 defenses available. Defendant therefore reserves herein the right to assert additional affirmative  
12 defenses in the event that discovery indicates that they would be appropriate.

13 **PRAYER**

14 **WHEREFORE**, Defendant prays for judgment as follows:

- 15 A) Judgment be entered in favor of Defendant;
- 16 B) Any proceeds of a sale or foreclosure of the property at issue in the Complaint be  
17 first dedicated to satisfying Defendant's lien on the property;
- 18 C) Defendant recover its costs of suit; and
- 19 D) Any other such relief that the Court deems just and proper.

20 Dated: December 5, 2012

**HOUSER & ALLISON, APC**

21 By: 

Sara Firoozeh

22 Attorneys for Defendant,  
23 U.S. BANK, N.A. AS TRUSTEE FOR THE  
24 REGISTERED HOLDERS OF STRUCTURED  
25 ASSET SECURITIES CORPORATION  
26 MORTGAGE PASS-THROUGH CERTIFICATES,  
SERIES 2007-TC1 (erroneously sued as Ocwen  
Financial Corporation)

**MAILING LIST**

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*Petitioner*

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*Representing Richard D’Souza/Richard DeSouza*

**David Dudley**

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Los Angeles, CA 90034



**PROOF OF SERVICE**

STATE OF CALIFORNIA )  
 ) SS  
COUNTY OF ORANGE )

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 9970 Research Drive, Irvine, CA 92618.

On December 5, 2012, I served the following document(s) described as follows:

**U.S. BANK, N.A. AS TRUSTEE FOR THE REGISTERED HOLDERS OF STRUCTURED ASSET SECURITIES CORPORATION MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-TC1 (erroneously sued as Ocwen Financial Corporation) ANSWER TO COMPLAINT**

On the following interested parties in this action:

Please see attached mailing list.

[ X ] **VIA FIRST CLASS MAIL:** CCP §§ 1013(a); 2015.5: By placing a true copy thereof enclosed in a sealed envelope(s) addressed as above, and placing each for collection and mailing on the date following ordinary business practices. I am readily familiar with my firm's business practice and collection and processing of mail with the United States Postal Service and correspondence placed for collection and mailing would be deposited with the United States Postal Service at Irvine, California, with postage thereon fully prepaid that same day in the ordinary course of business.

[ X ] **VIA ELECTRONIC SERVICE:** Pursuant to CM/ECF System, registrations as a CM/ECF user constitutes consent to electronic service through the Court's transmission facilities. The Court's CM/ECF systems sends an email notification of the filing to the parties and counsel listed who are registered with the Court's CM/ECF system.

I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct.

Executed on December 5, 2012 at Irvine, California.

  
Kokie Nguyen